



# GENERAL ASSEMBLY

## COMMONWEALTH OF KENTUCKY

### 2014 REGULAR SESSION

---

SENATE BILL NO. 66

AS ENACTED

---

MONDAY, MARCH 31, 2014

---

RECEIVED AND FILED  
DATE April 10, 2014  
3:38pm

---

ALISON L UNDERGAN GRIMES  
SECRETARY OF STATE  
COMMONWEALTH OF KENTUCKY  
BY R. Adkins

1 AN ACT relating to boating law enforcement.

2 *Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

3 ➔Section 1. KRS 235.310 is amended to read as follows:

4 (1) The commissioner of the Department of Fish and Wildlife Resources shall  
 5 designate officers and employees of the department to enforce the provisions of this  
 6 chapter, and these officers when duly authorized by the commissioner shall have the  
 7 general powers of a peace officer for the enforcement of other offenses against the  
 8 Commonwealth. In enforcing the provisions of this chapter, these officers and all  
 9 other peace officers of the Commonwealth and its subdivisions shall have the right  
 10 to enter upon all waters of this state, either private or public, for the purpose of  
 11 inspecting certificate of registration and boat numbering, ~~but~~~~and~~ shall only have  
 12 the right to stop or enter upon~~all~~ boats on such waters if the officer has a  
 13 reasonable and articulable suspicion based upon specific and articulable facts  
 14 which, taken together with rational inferences from those facts, demonstrate that  
 15 a violation of the Kentucky Revised Statutes or an administrative regulation  
 16 promulgated under this chapter has occurred, with any subsequent search of the  
 17 boat or persons on it being authorized only if supported by probable cause. The  
 18 provisions of this section shall not apply to license inspections under KRS  
 19 150.090(5), but only as to those licenses and items specified in that section~~[for the~~  
 20 ~~purpose of examining their registration documents and inspect their marine~~  
 21 ~~sanitation device to determine if it is the proper kind for the water body where the~~  
 22 ~~boat is kept or operated and that the device is properly operating. To conduct the~~  
 23 ~~marine sanitation device inspection the department officers and employees may~~  
 24 ~~require a motorboat owner to flush a dye through the marine toilet in the presence of~~  
 25 ~~the department officers or employees or use other appropriate measures to inspect~~  
 26 ~~the device]~~. They may arrest on sight, without warrant, any person detected by them  
 27 in the act of violating any of the provisions of this chapter. They shall have the same

rights as sheriffs to require aid in arresting, with or without process, any person found by them violating any of the provisions of this chapter or other offenses against the Commonwealth.

- (2) The officers designated in subsection (1) of this section shall be authorized to possess and use radio communication equipment capable of receiving and transmitting on state police radio frequency. The Department of Kentucky State Police shall cooperate with the department for the purpose of radio communication of these officers when any assistance is necessary.

(3) The department may conduct periodic inspections of marine sanitation devices according to a regular inspection schedule to be determined by the department. To conduct the marine sanitation device inspection the department officers and employees may require a motorboat owner to flush a dye through the marine toilet in the presence of the department officers or employees or use other appropriate measures to inspect the device.

➔Section 2. KRS 235.285 is amended to read as follows:

- (1) A personal watercraft may be used to tow individuals engaged in waterskiing or similar activities if it has adequate seating capacity and an observer on board to monitor the progress of the person being towed, or if it is equipped with a rearview mirror with a minimum field of vision of one hundred sixty (160) degrees mounted so that the operator can observe the activities of the person being towed.
- (2) A person shall not operate a personal watercraft on public waters unless every individual operating or riding on the personal watercraft is wearing a personal flotation device that is approved by the United States Coast Guard under 46 C.F.R. sec. 160, as it may be amended or renumbered.
- (3) A personal watercraft that does not have self-circling capability shall not be operated on public waters unless:
- (a) The personal watercraft is equipped with a lanyard-type engine cutoff switch;

1 and

2 (b) The lanyard is attached to the person, clothing, or personal flotation device of  
3 the operator.

4 (4) A vessel~~[personal watercraft or motorboat]~~ operated on public waters shall be  
5 operated at all times according to the provisions of this chapter and the  
6 administrative regulations promulgated hereunder~~["Rules of the Road" in the~~  
7 ~~Inland Navigation Rules, 33 C.F.R. pt. 83]. A vessel~~[personal watercraft or~~  
8 ~~motorboat]~~ shall be operated at all times in a reasonable and prudent manner so as  
9 not to endanger human life, human physical safety, or property. A person shall not  
10 do any of the following while operating a vessel~~[personal watercraft or motorboat]~~  
11 on public waters:~~

12 (a) Weave through congested watercraft traffic in a way that endangers human  
13 life, human physical safety, or property;

14 (b) Follow a watercraft that is towing an individual on water skis, a surfboard, or  
15 a water sport device in a way that endangers human life, human physical  
16 safety, or property;

17 (c) Jump the wake of another watercraft in a way that endangers human life,  
18 human physical safety, or property;

19 (d) Cut between a boat and the individual or individuals being towed by the boat;

20 (e) Cross paths with another watercraft when visibility around the other  
21 watercraft is so obstructed as to endanger human life, human physical safety,  
22 or property; or

23 (f) Steer a personal watercraft or motorboat toward an object or individual in the  
24 water and turn sharply at close range in a way that endangers human life,  
25 human physical safety, or property.

26 (5) A person shall not operate a personal watercraft on public waters at any time  
27 between sunset and the following sunrise.

1 (6) A person shall not operate a vessel~~[motorboat or personal watercraft]~~ within fifty  
2 (50) feet of a commercial motor vessel and its tow which is in operation on a  
3 waterway, except if the operator of the commercial motor vessel has given his or  
4 her consent.

5 (7) (a) A person under twelve (12) years of age shall not operate a personal watercraft  
6 or motorboat over ten (10) horsepower on the public waters of the  
7 Commonwealth.

8 (b) Effective January 1, 1999, a person twelve (12) years of age through  
9 seventeen (17) years of age shall not operate a personal watercraft or  
10 motorboat over ten (10) horsepower on the public waters of the  
11 Commonwealth unless the person is in possession of a safe boating certificate  
12 or is accompanied, on board, by a person eighteen (18) years of age or older or  
13 in possession of a safe boating certificate.

14 (c) While operating a motorboat or a personal watercraft over ten (10)  
15 horsepower on the public waters of the Commonwealth, nonresidents twelve  
16 (12) years of age through seventeen (17) years of age shall have in their  
17 possession a Kentucky safe boating certificate or a recognized and equivalent  
18 boat operator licensing or safe boating certificate from another state or  
19 country.

20 (8) Subsections (1) to (6) of this section shall not apply to:

21 (a) A performer engaged in a professional exhibition; or

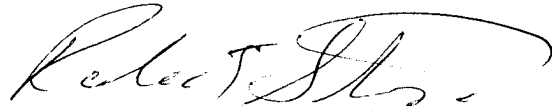
22 (b) A person participating in a regatta, a race, a marine parade, a tournament, or  
23 an exhibit that is held in compliance with administrative regulations adopted  
24 by the department.

25 (9) The parent, legal guardian, or other adult who has direct supervision over a minor  
26 under the age of eighteen (18) shall not knowingly authorize or permit the minor to  
27 operate a motorboat or personal watercraft in violation of this section.

1       ➔SECTION 3. A NEW SECTION OF KRS CHAPTER 235 IS CREATED TO  
2 READ AS FOLLOWS:

3       *On or before October 31 of each year, the Department of Fish and Wildlife Resources*  
4       *shall submit a report to the Legislative Research Commission, for referral to the*  
5       *appropriate interim joint committee, detailing the continued training measures that the*  
6       *department has undertaken during the past year for law enforcement officers in the*  
7       *areas of enforcement policy and professionalism training to enhance the public's*  
8       *experience in interacting with the department's officers and in enjoying outdoor*  
9       *activities while maintaining a safe and lawful environment. The report shall also*  
10       *include any changes that the department implemented during the past year regarding*  
11       *its law enforcement practices and interactions with the public.*

12       ➔Section 4. This Act shall be known and may be cited as the Boater Freedom  
13 Act.

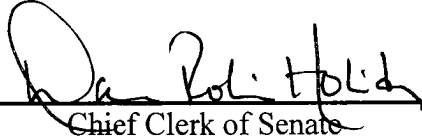


\_\_\_\_\_  
President of Senate



\_\_\_\_\_  
Speaker-House of Representatives

Attest:



\_\_\_\_\_  
Chief Clerk of Senate

Approved



\_\_\_\_\_  
Governor

Date

\_\_\_\_\_  
4/10/14